

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF ISSAQUAH, a municipal
corporation,

Plaintiff,

v.

ORA TALUS 90, LLC, a Delaware limited
liability company; and RESMARK
EQUITY PARTNERS, LLC, a Delaware
limited liability company,

Defendants.

ORA TALUS 90, LLC, a Delaware limited
liability company; and RESMARK
EQUITY PARTNERS, LLC, a Delaware
limited liability company,

Third-Party Plaintiffs,

v.

TERRA TALUS LLC, a Washington
limited liability company; ELEMENT
RESIDENTIAL INC., a Washington
corporation; JOSHUA FREED, an
individual; J.R. HAYES & SONS, INC., a
Washington corporation; and TERRA
ASSOCIATES, INC., a Washington
corporation;

Third-Party Defendants.

Case No. 2:18-cv-00910-RSM

**STIPULATED MOTION AND
ORDER FOR DISMISSAL OF
CLAIMS BY J.R. HAYES AND
TALUS 7&8 AGAINST BIG
MOUNTAIN ENTERPRISE
WITH PREJUDICE**

**NOTED ON MOTION
CALENDAR: July 1, 2021**

TALUS 7 & 8 INVESTMENT, LLC, a
Washington limited liability company; J.R.
HAYES & SONS, INC., a Washington
corporation,

Fourth-Party Plaintiffs,

v.

KULCHIN FOUNDATION DRILLING
COMPANY, a Washington corporation; and
BIG MOUNTAIN ENTERPRISES, LLC, a
Washington limited liability company,

Fourth-Party Defendants.

AND RELATED COUNTERCLAIMS
AND CROSSCLAIMS

I. STIPULATION

1. J.R. Hayes & Sons, Inc. (“J.R. Hayes”) and Talus 7&8 Investment LLC (“Talus 7&8”) and Big Mountain Enterprise, LLC (“Big Mountain”) (collectively, “the Parties”) hereby stipulate that due to the absence of evidence and/or expert opinion that Big Mountain contributed in any way to, or could be at fault for, the earth movement on Talus Parcel 9 occurring in the fall of 2015, J.R. Hayes’ and Talus 7&8’s causes of action against Big Mountain should be dismissed from this case with prejudice and without fees or costs to any of the Parties.

2. Big Mountain withdraws its Motion for Summary Judgment (Dkt. #175) as moot.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 1st day of July, 2021.

PREG O'DONNELL & GILLET PLC

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Attorneys for Big Mountain Enterprises, LLC

II. ORDER

Based on the foregoing Stipulation of J.R. Hayes & Sons, Inc., Talus 7&8 Investment LLC, and Big Mountain Enterprise, LLC, IT IS ORDERED:

All causes of action asserted by J.R. Hayes & Sons, Inc. and Talus 7&8 Investment LLC against Big Mountain Enterprise, LLC are dismissed with prejudice and without fees or costs to any party. Further, Big Mountain Enterprise, LLC's Motion for Summary Judgment (Dkt. #175) is withdrawn as moot.

DATED this 2nd day of July, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

presented by:

PREG O'DONNELL & GILLET PLC

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CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I electronically filed the foregoing document using the CM/ECF system which will provide notification of such filing to all attorneys of record

SIGNED this 1st day of July, 2021 at Seattle, Washington.

s/ Jan Howell

Jan Howell, Legal Assistant